

REMARKS

Claims 1-76 are currently pending in the subject application.

In the Office action, the Examiner has rejected claim 36 under 35 U.S.C. §112, second paragraph, as being indefinite for having an improper dependency. Applicant has amended claim 36 to have a proper dependency. Applicant submits that claim 12 now meets the requirements of 35 U.S.C. §112, second paragraph, and notice to that effect is hereby respectfully requested.

Applicant has also amended claim 8 to have better antecedent basis and has amended claim 61 to correct a typographical error.

In the Office action, the Examiner has rejected claims 1-76 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,411,943 to Crawford. Applicant traverses this rejection for at least the reasons set forth below.

The present invention relates to a timer module and the production thereof. The timer module is operable to execute a timer operating program to perform timer functions. The timer operating program is developed by a program builder system in response to a model number input, which is received from a customer using a model number data page. The program builder system may be located at a supplier's place of business or a customer's place of business, or partially at both places of business. In one embodiment, the program builder system is located at a supplier's place of business. The model number input is received from a customer and is used to generate the timer operating program, which is downloaded into the timer module and the timer module is then shipped to the customer. In another embodiment, the program builder system is partially located at a supplier's place of business and partially at a customer's

place of business. The model number input is received from a customer and is used to generate the timer operating program at the supplier's place of business. The timer operating program is then transmitted to the customer, who downloads the timer operating program into an unprogrammed timer module.

The Crawford patent does not disclose anything remotely similar to the present invention. The Crawford patent does not relate to the production of a physical device, let alone to the production of a timer module. In this regard, the Examiner should note that a timer module (as is described in detail in the specification) is a physical device and not "*merely software*" as asserted by the Examiner in the Office action.

The Crawford patent only discloses an on-line service system 100 for providing software and computing services to a customer computer 50. The services include providing software through sale or lease to the customer computer 50 and storing files from the customer computer 50. The Crawford patent does not disclose generating software, let alone generating software for a timer module using a model number requested by a customer. Thus, contrary to the Examiner's assertion, the Crawford patent does not disclose a "*program builder system*". The Crawford patent also does not disclose "*a model number data page*". The passage cited by the Examiner as showing such a feature (col 40, line 66 to col 41, line 6) merely discloses a request for data that is used to establish a connection between the customer computer 50 and a replica computer 160.

Since the Crawford patent is so far removed from the present invention, the Crawford patent fails to even remotely suggest most of the limitations of the pending claims. For example, the Crawford patent fails to show or suggest any of the

limitations of the claims that pertain to the provision or use of a timer module, a program builder system or a model number data page. By way of even more specific example, the Crawford patent fails to show or suggest:

"building timer program code at said supplier's place of business using said program builder system based on said model number request", as is recited in independent claim 1;

"building timer program code at said supplier's place of business using said program builder system", as recited in independent claim 8;

"a program builder system responsive to timer model number inputs, wherein said program builder builds timer program code based on which of a model number input is input into said program builder system", as recited in independent claim 15;

"building timer program code in accordance with said request using said timer program builder system", as recited in independent claim 27;

"a program builder system in communication with said timer module circuit for building timer program code", as recited in independent claim 32;

"building a timer operating program code at said supplier's place of business using said program builder system based on said model number request", as recited in independent claim 49;

"building a timer program code at said supplier's place of business using said timer builder system", as recited in independent claim 57;

"building timer program code in accordance with said request using said timer program builder system", as recited in independent claim 68.

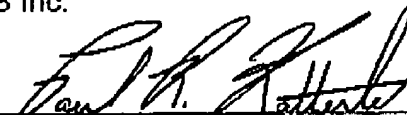
Based on the foregoing, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness and that the pending claims are patentable over the Crawford patent. Accordingly, Applicant submits that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 050877.

Respectfully submitted,

ABB Inc.

By:



Paul R. Katterle, Reg. No. 36563

January 9, 2007

ABB Inc.
29801 Euclid Avenue-4U6
Wickliffe, Ohio 44092-2530
(440) 585-7968